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8 Attorney for Plaintiff  
9 PATRICIA CLAIRE BANKSTON

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

PATRICIA CLAIRE BANKSTON,

Plaintiff,

v.

PATENAUDE & FELIX, A  
PROFESSIONAL CORPORATION, a  
California corporation, and RAYMOND  
ALCIDE PATENAUDE, individually and in  
his official capacity,

Defendants.

Case No. C07-03396-JW-PVT

**EXPERT DECLARATION OF  
RONALD WILCOX IN SUPPORT OF  
PLAINTIFF'S MOTION FOR  
ATTORNEY FEES AND COSTS**

I, Ronald Wilcox, declare under penalty of perjury, under the laws of the State of California and the United States, 28 U.S.C. § 1746, that the following statements are true:

1. In addition to being a member in good standing of the State Bar of California, I am a member in good standing of the bars of the U.S. District Court for the Northern District of California and U.S. District Court for the Eastern District of California.

2. I hold Bachelors' and Masters' degrees from New York University, a graduate certificate in management from Harvard University, and a Juris Doctorate from Indiana University. I served as Managing Editor of the Indiana Journal of Global Legal Studies. I have engaged in studies at Stanford University.

3. I have more than 14 years of experience in the legal profession, either working for legal clinics, law firms, in-house counsel, interning for a U.S. Magistrate Judge, or

1 private practice, and have been a licensed attorney in California since 1995.

2 4. During my tenure as a consumer attorney I have published articles in the San  
3 Francisco and Los Angeles Daily Law Journals, the California Bankruptcy Reporter, and have been  
4 interviewed, and quoted, by the Wall Street Journal and the San Jose Mercury News. I have assisted  
5 numerous consumers in both chapter 7 and chapter 13 bankruptcies, and in Fair Debt Collection  
6 Practices Act (FDCPA) matters. I have represented consumers in courts in San Jose, San Francisco,  
7 Oakland, Sacramento, Modesto, and Fresno, and have assisted numerous consumers in regard to  
8 their rights under federal and state law, including FDCPA litigation. I have assisted approximately  
9 two thousand clients in bankruptcy matters, and more than two hundred clients in FDCPA matters.

10 5. I have qualified to be a panel member of the Santa Clara County Bar's  
11 Bankruptcy and Insolvency section. Previously, in 2005 I served as Chairman of the San Jose  
12 Division-Chapter 13 Subcommittee, directing monthly meetings to help local attorneys stay abreast  
13 of current issues in consumer bankruptcy law and consumer issues in regard to debtor-creditor  
14 issues.

15 6. I have taught other attorneys at conferences sponsored by the National  
16 Association of Consumer Advocates. I have also attended Continuing Legal Education seminars  
17 regarding consumer law in Sacramento, San Francisco, Oakland, San Jose, New York, Chicago,  
18 Kansas City, Atlanta, Albuquerque, Minneapolis, and Boston. I have also attended the National  
19 Consumer Law Center's Annual Conferences in Atlanta, Oakland, and Boston; the National  
20 Association of Chapter 13 Trustees' Annual Convention in New York; and the National Association  
21 of Bankruptcy Attorneys' Annual Conventions in Las Vegas, San Francisco, and San Diego. I also  
22 donate my time to the Alexander Community Law Center, directing law student interns who assist  
23 consumers on financial and legal matters.

24 7. I have been co-counsel in several consumer class actions under the FDCPA;  
25 a number of which are pending, and several which have been certified by the Northern and Eastern  
26 Districts of California.

27 8. I am familiar with the hourly rates for consumer protection litigation charged  
28 in the San Francisco Bay Area by attorneys with experience, skill, and reputation similar to those

1 of Fred W. Schwinn. My familiarity with such rates derives from my knowledge of the billing  
2 practices of private law firms in the San Francisco Bar Area and from my own experience in billing  
3 clients in consumer litigation cases.

4 9. The market rate in the San Francisco Bay Area for federal litigation of  
5 consumer law issues that are similar in difficulty and complexity to the issues herein is a range  
6 extending from \$280 to \$465 per hour, depending on the skill, experience and reputation of the  
7 attorney.

8 10. Based on my personal experience and comments from others in the legal  
9 community, I believe that Fred W. Schwinn is one of only a very few attorneys in the San Francisco  
10 Bay Area who exclusively represents consumers in consumer bankruptcy and debtor-creditor  
11 litigation, particularly with regard to matters arising under the various federal and state consumer  
12 protection statutes and regulations. I believe that his requested hourly rate of \$300.00 is entirely fair  
13 and reasonable, given Mr. Schwinn's experience, qualifications and expertise in the representation  
14 of consumers in debtor-creditor litigation. My hourly rate for legal services is also currently billed  
15 at \$325 per hour. In 2005 and 2006 five courts approved my then billing rate of \$300 per hour(See  
16 *Davilla v. Thinline*, 2005 U.S. Dist. LEXIS 18163 (N.D. Cal. 2005); *Grinzi v. Garnes et al.*, U.S.  
17 Dist. LEXIS 33094 (N.D. Cal. 2005); *In re Antonio*, N.D. Cal. Bankruptcy, 03-50084 JRG  
18 (11/1/2005); *Compos v. Phillips and Cohen*, 05-CV-047130 (Santa Clara County Superior Court,  
19 2/24/06); *Solloway v. Allied Interstate, Inc.*, 04-04814 RMW (N.D. Cal. 2006).

20 11. In the San Francisco Bay Area it is customary for lawyers to itemize and bill  
21 their clients separately, in addition to their regular hourly rate, for expert witness fees, court reporter  
22 fees, long distance telephone calls, on-line research charges, copying and facsimile costs, postage  
23 and delivery charges, and travel costs, including mileage, tolls, and parking.

24 12. I am not being paid to submit this Declaration. I am not related with any of  
25 the parties in this action and I have no financial interest in the outcome of this case.

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1 Executed at San Jose, California on June 23, 2008.

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